

members and employees of the Relief Commission Division of the Board of Control, but only for so long a time as there may be funds available from the herein provided for funds, and relief therefrom is being administered in this State.

Sec. 18. At such date as the State Board of Control shall cease to administer this Act, all records of the Texas Relief Commission Division of the State Board of Control shall be delivered to and be preserved by the Secretary of State as public records.

Sec. 19. If any section, clause or sentence in this Act should ever be held to be unconstitutional, such holding shall not affect the remaining portions hereof.

Sec. 20. The fact that the relief funds provided through the passage of this Act and the issuance and sale of bonds thereunder, is of vital importance to the State of Texas and the people thereof creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each House be, and same is, hereby suspended, that this Act shall be effective immediately from and after its passage, and it is so enacted.

Minutes of Committee Meetings.

Minutes of the Committee of the Whole Senate, held January 31st, 1935, at 2:00 o'clock p. m., the following Senators were present:

Present 29: Beck, Blackert, Burns, Collie, Cotten, Davis, DeBerry, Duggan, Fellbaum, Hill, Holbrook, Hopkins, Hornsby, Hughston, Martin, Moore, Neal, Oneal, Pace, Poage, Rawlings, Redditt, Regan, Sanderford, Shivers, Small, Stone, Sulak, Westerfeld.

Absent 2: Van Zandt, Woodruff.

Senators Rawlings, Hopkins, and Martin sent up a substitute for H. C. R. No. 6.

A second reading was called for by the following vote:

Yeas 23: Beck, Blackert, Collie, Cotten, DeBerry, Duggan, Fellbaum, Hill, Holbrook, Hornsby, Hughston, Moore, Neal, Oneal, Pace, Poage, Redditt, Regan, Shivers, Small, Stone, Sulak, Westerfeld.

Nays 5: Burns, Hopkins, Martin, Rawlings, Sanderford.

Absent 3: Davis, Van Zandt, Woodruff.

Amendment No. 2, by Senator Collie, was adopted by the following vote:

Yeas 15: Beck, Blackert, Burns, Collie, Cotten, DeBerry, Fellbaum, Hill, Hornsby, Hughston, Moore, Oneal, Redditt, Stone, Sulak.

Nays 10: Davis, Holbrook, Hopkins, Martin, Pace, Rawlings, Regan, Sanderford, Shivers, Small.

Absent 6: Duggan, Neal, Poage, Van Zandt, Westerfeld, Woodruff.

Committee substitute as amended was adopted by the Committee of the Whole by the following vote:

Yeas 21: Burns, Collie, Cotten, Davis, Duggan, Fellbaum, Hill, Holbrook, Hopkins, Hornsby, Hughston, Martin, Neal, Pace, Rawlings, Redditt, Regan, Sanderford, Shivers, Small, Stone.

Nays 7: Beck, Blackert, DeBerry, Moore, Oneal, Poage, Sulak.

Absent 3: Van Zandt, Westerfeld, Woodruff.

S. C. S. for H. C. R. No. 6 was reported out of the Committee of the Whole with the recommendation that it do pass by the following vote:

Yeas 29: Beck, Blackert, Burns, Collie, Cotten, Davis, DeBerry, Duggan, Fellbaum, Hill, Holbrook, Hopkins, Hornsby, Hughston, Martin, Moore, Neal, Oneal, Pace, Poage, Rawlings, Redditt, Regan, Sanderford, Shivers, Small, Stone, Sulak, Westerfeld.

Absent 2: Van Zandt, Woodruff.

Adopted January 31, 1935.

BOB BARKER,

Secretary of the Committee of the Whole Senate.

NINETEENTH DAY.

Senate Chamber,
Austin, Texas,
February 4, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. K. M. Regan.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Fellbaum.
Burns.	Hill.
Collie.	Holbrook.
Cotten.	Hopkins.
Davis.	Hornsby.
DeBerry.	Hughston.
Duggan.	Martin.

Moore.	Regan.
Neal.	Sanderford.
Oneal.	Shivers.
Pace.	Stone.
Poage.	Sulak.
Rawlings.	Van Zandt.
Redditt.	Westerfeld.

Absent—Excused.

Blackert.	Woodruff.
Small.	

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Collie.

Committee Reports.

(See Appendix.)

Senators Excused.

Senator Woodruff and Senator Blackert were excused on account of important business, on motion of Senator Oneal.

Senator Small was excused on account of important business on motion of Senator Rawlings.

Bills and Resolutions.

Senate Bill No. 218.

By Senator Hill:

S. B. No. 218, A bill to be entitled "An Act relating to the giving, drawing, possessing, making or uttering of a check when the maker, drawer or utterer does not have sufficient funds in the bank to cover same; providing penalties, and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

Senate Bill No. 219.

By Senator Oneal:

S. B. No. 219, A bill to be entitled "An Act amending Chapter 130, Acts Regular Session, Forty-third Legislature, as heretofore amended by adding thereto two sections; one to be known as Section 1-a, to provide for the issuance of revenue bonds by independent, consolidated and common school districts and by cities and towns which have assumed control of the public schools within their boundaries, for the purpose of building additions to existing gymnasias, stadia and other recreational facilities owned by the same, and purchasing additional buildings and

grounds for the purpose of constructing additions to existing gymnasias, stadia and other recreational facilities; and another section to be known as Section 3-a, to provide that any bonds issued shall be payable from the net revenues of the project after payment of the operating and maintenance charges, and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

Senate Bill No. 220.

By Senators Beck, Martin, Poage and Rawlings:

S. B. No. 220, A bill to be entitled "An Act amending Article 4477, Rule 47a, Section 14, as amended by Acts of 1929, Forty-first Legislature, First Called Session, page 7, Chapter 4, Section 3, relating to contents of birth certificates; providing that this Act shall be cumulative of all laws now existent pertaining to this subject matter; and declaring an emergency."

Read and referred to the Committee on Public Health.

Senate Bill No. 221.

By Senators Beck, Martin, Collie, Poage and Rawlings:

S. B. No. 221, A bill to be entitled "An Act providing that it shall be the duty of the Comptroller of the State of Texas to notify, immediately, and thereafter, when a new Federal Census is published by the United States Census Bureau, every officer in Texas at the beginning of each calendar year the population or voting strength of the county of such officer, and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

Senate Bill No. 222.

By Senators Beck, Martin and Poage:

S. B. No. 222, A bill to be entitled "An Act providing that it shall be the duty of the county and district attorney to represent the State in all bond forfeiture cases, as set out in Chapter 4, Title 7 of the Code of Criminal Procedure in 1925, and providing that any county and district attorney who does not prosecute such proceedings shall be liable on his official bond, and providing that suit shall be filed against the county and district attorney in such cases in any

district court of Travis County, Texas, and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

Senate Bill No. 223.

By Senator Shivers:

S. B. No. 223, A bill to be entitled "An Act amending Article 802, of the Penal Code of the Revised Statutes, 1925, providing that any person driving or operating an automobile or other vehicle upon any street or alley or other place within the limits of any incorporated city, town or village or upon any public road or highway in this State while intoxicated or in any degree under the influence of intoxicating liquor shall be confined in the penitentiary for not more than two years or be confined in jail for not more than ninety days or fined not more than \$500.00 or be punished by both such fines and imprisonment in jail and providing that the suspended sentence law shall not apply to such offenses; repealing all laws and all parts of laws in conflict herewith; and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

Senate Bill No. 224.

By Senator Rawlings:

S. B. No. 224, A bill to be entitled "An Act to permit and authorize N. P. Turner, of San Antonio, Texas, to bring and prosecute an action against the State of Texas on a certain contract; fixing the time within which the same may be brought; fixing the venue thereof in Travis County, Texas; providing that any judgment recovered be paid from the State Highway Fund; providing for service of citation; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 225.

By Senators Hughston and Duggan:

S. B. No. 225, A bill to be entitled "An Act creating a State System of Public Employment Offices; accepting the provisions of the Wagner-Peyser Act approved June 6, 1933 (48 Stat. 113, U. S. Code, Title 29, section 49), "An Act to provide for the establishment of a national employment system and for cooperation

with the states in the promotion of such system, and for other purposes"; designating the Bureau of Labor Statistics as the agency for the administration of this Act; etc., and declaring an emergency."

Read and referred to the Committee on Labor.

Senate Bill No. 226.

By Senator Hughston:

S. B. No. 226, A bill to be entitled "An Act amending Article 6820, Title 117, Revised Civil Statutes of Texas, 1925, relating to expense accounts of district judges and district attorneys when engaged in the discharge of their duties in any county of this State other than the county of their residence; providing what expenses shall be allowed and the manner in which they shall be paid upon sworn and itemized account of such officer remitting the amount of such expenses, and declaring an emergency."

Read and referred to the Committee on Finance.

Senate Bill No. 227.

By Senator Davis:

S. B. No. 227, A bill to be entitled "An Act creating a State Conservation Board, providing for its duties, fixing the membership thereof, providing for its organization, conferring on it authority to adopt rules and regulations governing its organization and the conduct of its business, providing its authority; conferring on the commissioners' courts of the several counties authority to provide for the construction of improvements on lands, in the nature of farm terraces, dikes, ditches, soil and water conserving dams, and other soil and water conservation and erosion prevention services; etc., and declaring an emergency."

Read and referred to the Committee on Mining, Irrigation and Drainage.

Senate Bill No. 228.

By Senator Duggan:

S. B. No. 228, A bill to be entitled "An Act amending Article 2876 of the Revised Civil Statutes of Texas, 1925, so as to provide that interest shall not accrue on bills for the sale of textbooks until said bills have been received and accepted by the State Superintendent of Public In-

struction; providing for the payment of interest on such unpaid bills; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

Senate Bill No. 229.

By Senator Duggan:

S. B. No. 229, A bill to be entitled "An Act amending Article 2851 of the Revised Civil Statutes of Texas, 1925, by eliminating from said Article the standardized amount of the bond which publishing companies must furnish for the execution of their contracts and giving the State Board of Education the Authority to set the amount of bonds in proportion to the first, second and/or third year purchases under each contract; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

Senate Bill No. 230.

By Senator Duggan:

S. B. No. 230, A bill to be entitled "An Act amending Section 10-F, Article 2675-B of the Revised Civil Statutes of the State of Texas, 1925, so as to authorize the State Board of Education, upon the recommendation of the State Superintendent of Public Instruction, to appoint Textbook Committees; providing for the compensation of said Committees for services rendered; empowering the State Board of Education, upon the recommendation of the State Superintendent, to determine the time and place of meeting of said Committee; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

Senate Bill No. 231.

By Senator Van Zandt:

S. B. No. 231, A bill to be entitled "An Act to amend Articles 570 and 572 of Chapter 2, Title 11, 1925 Penal Code of the State of Texas, relating to unlawfully acting as an insurance agent and soliciting without a certificate of authority; providing a penalty for the violation thereof; and declaring an emergency."

Read and referred to the Committee on Insurance.

Senate Bill No. 232.

By Senator Zan Zandt:

S. B. No. 232, A bill to be entitled "An Act to provide for the appointment and qualification of notaries public, state-at-large; amending Article 5949, Revised Statutes, 1925, as amended by Chapter 14, Acts of the Regular Session, Fortieth Legislature, by adding thereto Article 5949-a; amending Article 5954, Revised Statutes, 1925, by adding thereto Article 5954-a; amending Article 5958, Revised Statutes, 1925, by adding thereto Article 5958-a; amending Article 5960, Revised Statutes, 1925, by adding thereto Article 5960-a, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 90.

Set for special order.

Senator Collie asked unanimous consent that S. B. No. 90 be set for special order Wednesday after the morning call.

Unanimous consent was granted.

S. J. R. No. 18.

Senator Cotten sent up the following resolution:

S. J. R. No. 18, A joint resolution "Proposing an Amendment to Section 48, Article III of the Constitution of the State of Texas, authorizing the establishment of Teachers' Retirement Systems, and making an appropriation for the election."

COTTEN.

Read and referred to the Committee on Constitutional Amendments.

S. C. R. No. 14.

Senator Shivers sent up the following resolution:

BE IT RESOLVED, by the Senate of Texas, the House of Representatives concurring,

That Hon. J. D. Campbell, Judge of the 60th District Court of Texas, be, and he is hereby, granted permission to be absent from the State of Texas at such intervals and for such time as he may see fit and proper during the years 1935 and 1936 taking into consideration the condition of the docket of said court.

SHIVERS.

Senator Shivers moved that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. R. No. 14 be taken up and considered at this time.

The motion prevailed by the following vote:

Yeas—28.

Beck.	Moore.
Burns.	Neal.
Collie.	Oneal.
Cotten.	Pace.
Davis.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Hornsby.	Sulak.
Hughston.	Van Zandt.
Martin.	Westerfeld.

Absent—Excused.

Blackert.	Woodruff.
Small.	

Senator Shivers moved the adoption of S. C. R. No. 14.

The motion prevailed by viva voce vote.

S. C. R. No. 11.

Motion to concur.

Senator Oneal moved that the Senate do concur in House amendment to S. C. R. No. 11.

The motion prevailed by viva voce vote.

Senate Bill No. 233.

By Senator Neal:

S. B. No. 233, A bill to be entitled "An Act to amend Section 14, Chapter 186, Senate Bill No. 74, passed at the Regular Session, Thirty-ninth Legislature, as amended by Chapter 10, Senate Bill No. 24, passed at the Third Called Session, Forty-first Legislature, as amended by Chapter 79, Senate Bill No. 82, passed at the Fifth Called Session, Forty-first Legislature, as amended by Chapter 207, Senate Bill No. 531, passed at the Regular Session, Forty-third Legislature, so as to correct the reference to Article 6674n, in Section 1, Chapter 207, Acts of Regular Session, Forty-third Legislature, and making same refer to Section 14, Chapter 186, Senate Bill No. 74, passed at the

Regular Session, Thirty-ninth Legislature; etc., and declaring an emergency."

Read and referred to the Committee on State Highways and Motor Traffic.

Senate Bill No. 234.

By Senator Duggan:

S. B. No. 234, A bill to be entitled "An Act making an emergency appropriation out of the general revenue fund of the State of Texas for the State Department of Education for the balance of the fiscal year ending August 31, 1935; and declaring an emergency."

Read and referred to the Committee on Finance.

Senate Bill No. 235.

By Senator Duggan:

S. B. No. 235, A bill to be entitled "An Act amending Article 2843 of the Revised Civil Statutes of Texas, 1925, by eliminating the restrictions placed on the State Board of Education to adopt books in only the subjects called for and to allow the furnishing of textbooks in any of the subjects which the State Board of Education deems necessary; repealing all laws and part of laws in conflict herewith; and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

Senate Bill No. 192.

Request for advanced printing.

Senator Van Zandt asked unanimous consent for advanced printing on S. B. No. 192.

Unanimous consent was granted.

Messages from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following messages:

Executive Office,

Austin, Texas, Feb. 4, 1935.

To the Forty-fourth Legislature:

As an emergency matter under the Constitution, I submit the following:

We are dedicated by our party platform and the policy of this State to a program of recovery by work relief. We are likewise committed to the enactment of legislation to adequately secure the rights of those who toil.

An emergency exists requiring immediate consideration by the Legislature as to the enactment of a law establishing a system of public employment offices in this State. Texas is the fifth largest State in population in the United States and is the largest State in area. Unemployment of our citizens is a problem demanding our most earnest consideration. Those of our citizens without work are in no position to seek employment or to know in what sections of our State employment may be obtained. It is a function of the State to provide this means of information to the end that as many of our citizens as possible be returned to gainful occupation.

I urge the immediate enactment of a law accepting the benefits of the Wagner-Peyser Act enacted by Congress and approved June 6, 1933. By this Act the United States Employment Service was created as a separate bureau of the Department of Labor. Federal appropriations are made to each state based upon population and contingent upon the state's acceptance of the benefits of the Wagner-Peyser Act.

Texas will not receive the benefits of this worthy legislation after June 30, 1935, unless this Legislature accepts the benefits of the Act of Congress. By enacting such a law, and making a small appropriation, however, the Legislature can make available for this humane purpose \$142,410.00 in Federal funds for Texas for each of the years 1935, 1936, 1937 and 1938.

May I briefly analyze this Act as applied to Texas? The two parallel parts of the United States Employment Service are—(1) a confederation of permanent State Employment Services operating in affiliation with the Federal Government under the terms of the above Act; and (2) the National Reemployment Service—a temporary all-Federal agency designed to serve the employment needs of the Federal Emergency Administration of Public Works, and other emergency Federal programs. The National Reemployment Service will go out of existence June 30, 1935.

States representing two-thirds of the total population of the United States, (including the bordering states of New Mexico, Oklahoma and Louisiana), are already receiving the benefits of the Wagner-Peyser Act

by having accepted the provisions of that Act and become units of the permanent confederation.

There having been no regular session of the Texas Legislature since the creation of the United States Employment Service, this State has been served to date by the National Reemployment Service which it is repeated, will cease to exist after June 30, 1935, and unless the provisions of the Wagner-Peyser Act shall have been accepted by this State in forming a State agency competent to enter into and administer agreements with the United States Employment Service, there will be no public employment service in Texas participated in by the Federal Government.

From August, 1933, through November, 1934, the National Reemployment Service in Texas interviewed, classified and registered 647,995 unemployed, bona-fide residents of the State, of whom 54,309 were veterans with dependents. During the same period 520,315 were placed in gainful employment on public works and in private industry, of which placements 63,964 were made of veterans with dependents. Many veterans were placed more than one time—a practice fully consistent with the spirit of their preferences.

The organization of the National Reemployment Service in Texas consists of a State Reemployment Director and staff, whose central office is located at Austin. The State is properly divided into 13 reemployment districts, which have district reemployment managers at their head, and these district headquarters are located respectively at El Paso, Brownsville, Houston, Amarillo, Dallas, Tyler, San Antonio, Beaumont, Waco, Fort Worth, Abilene, Red Bluff and Austin. The extent and location of public works projects dictate the location of district offices as well as the designation of districts. Within each district and under each district manager local reemployment offices are spotted where such public works projects can be best served. No individuals are allowed to register for employment at any office except bona-fide residents of the county or section served by that office, and in no case is a non-resident of the State of Texas permitted to register at any office in the State.

The benefits of the Wagner-Peyser

Act would be continued in the State of Texas after June 30, 1935, if the State were to accept the provisions of that Act and join the permanent Federal-State confederation. Such acceptance would require an appropriation—or the making available from other local sources—of at least 25% of the amount allocated to this State by Congress, the maximum allocation being \$142,410 per annum—25% of which is \$35,602 annually. The amount appropriated or made available by the State of Texas would be matched, dollar for dollar, with Federal funds. However, if the above mentioned provisions were to be accepted by Texas and made effective commencing July 1, 1935, an additional \$195,808 could be used by the Texas State Employment Service at the discretion of the Director of the United States Employment Service, this amount having accumulated from Federal funds to the credit of the State of Texas pending such acceptance. An emergency appropriation of only \$6,000 for the remaining biennium (until August 31, 1935) is all that it would be necessary for the Legislature to appropriate at this time.

On December 31, 1934, the National Reemployment Service in Texas completed 17 months of operation. The benefits derived by the State from these operations would be continued if the State were to accept the provisions of the Act. Among these benefits are—

1. The prevention of transient labor generally—and particularly from adjacent states—from taking work opportunities resulting from public works performed in this State.

2. Removing public works from the realm of political spoils by referring thereto workers on the basis of their qualifications alone to perform the work.

3. The trend being the establishment by outsiders of temporary residence in this State for the purpose of taking advantage of public work opportunities, such opportunities are properly preserved for those of competent local status, and the earnings of such local individuals kept from leaving the State.

4. Preventing the unemployed from needlessly milling around in search of work without definite knowledge of where work is to be

found, thus definitely discouraging aimless migration of labor.

5. Aiding in the maintenance of morale on the part of the unemployed by acting as a buffer against their continuous disappointment, even though jobs are not always available, and constituting one official place where the unemployed may go without finding themselves in an atmosphere of public charity.

6. Furnishing a system of clearing labor from points within the State, supplying shortages from surpluses found elsewhere, and thereby preventing the unnecessary importation of labor from other states.

7. Furnishing the best known agency for the possible administration of unemployment insurance in the event that such should be developed.

I suggest the passage of an act placing this State agency for public employment under the Bureau of Labor Statistics. An emergency appropriation must be included for the months of July and August, and in round figures \$6,000.00 is the amount required. As pointed out, an annual appropriation for \$35,602.00 (25% of the Federal funds allotted to Texas) will be required for the next biennium.

This proposal has the endorsement of every representative of organized labor whom I have been able to contact. It is likewise endorsed by the Department Commander of the American Legion of Texas. I trust that you will give immediate consideration to this legislation and, upon consideration, will agree that early enactment of a statute accepting the terms of the Wagner-Peyser Act is most important.

The emergency matter hereby submitted is expressly confined to the enactment of a statute accepting the benefits of the Wagner-Peyser Act.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Executive Office,

Austin, Texas, Feb. 4, 1935.

To the Forty-fourth Legislature:

One of the paramount problems confronting the operation of any system of government is the problem of finance. The financial structure of the State of Texas, generally speaking, is based upon a system of tax

collection and upon a system of budgeted appropriations.

In connection with this second phase of the financial arrangement of the State, I should like to call your attention to the present requirements of the law governing the formation of budgets for all State supported institutions and for the various departments of the State Government. The fiscal year ends August 31st of each year. On each biennium after August 31st the Board of Control is made the budgetary agent to determine the requirements of the State Government, whether institutional or departmental, for the next ensuing biennium based upon the financial statement and revenue estimate of the State Auditor. This, of course, is a stupendous task and, of necessity, requires hearings to be had by practically every department. After the hearings, it is the duty of the Board to prepare and submit to the Governor and the Legislature a proposed budget for both Legislative and Executive consideration.

It is then made my duty as the incoming Governor of this State to consider the budget so prepared and to deliver to the Legislature, within twenty days from my inauguration, budget bills of appropriation and an executive message discussing budgetary requirements of the State Government.

The already burdened Board of Control finds it exceedingly difficult to hold careful and intelligent hearings upon all the minute requirements of State organizations. Necessarily the Board is guided, to a large extent, by past appropriations—a quite evident poor policy of either finance or political economy.

The budget of the Board of Control was delayed in delivery this year due to a combination of reasons as shown from the Board's letter of transmittal. The Board states that the budget "has been delayed by tardiness of the state agencies . . . and also by the fact that the State Auditor did not present his financial statement and revenue estimate until several weeks after the legally required date for the submission of such statements."

My immediate predecessor, Governor Miriam A. Ferguson, in her message to this legislature, practically adopted the recommendations of the Board of Control.

I believe all members of this Legislature will understand that an impossible task is required of an incoming Governor to consider intelligently the budgetary requirements of the entire State Government during the twenty days allowed by law. I do not believe that it is sound economy to entrust such an important matter as appropriations to the necessarily meager investigation that is physically possible from the standpoint of the Chief Executive Officer of this State. Of necessity, I am compelled to adopt substantially the budget prepared by the Board of Control.

In the past the Legislature has attempted to investigate, item by item, the innumerable appropriations made for the State Government. The Appropriation Committee of the House and the Finance Committee of the Senate are, of course, in much better position to make this study than is the Governor. It is, however, no reflection on the Legislature to say that it is not physically possible for the Legislature, as a body, or for any committee of the Legislature, to consider seriously and intelligently every item of our Texas appropriation bills. It is a reasonable statement of facts self-evident to say that all the individual items of the appropriation bill can not receive their ample consideration even by the Legislature.

It is not to be overlooked that the system of making itemized appropriations has long been followed in this State and has grown year by year. Such policies, formulated over a period of years, are not to be hastily regarded or thrown aside; yet, the progress of State Government and the development of new and more efficient methods of conducting the State's business are not to be rejected merely because of the existence of some time honored custom followed by any branch of State Government.

Because of the difficulties presented from a practical viewpoint by the existing budget requirements, I have determined to recommend to the Legislature that we engage in a budget practice of a somewhat experimental nature. The suggestion has been made by representatives of some of our schools that lump sum salary appropriations be made with maximum salaries fixed by the Legislature, but with same elasticity in such salaries to be set by the Board

of Regents of the respective institutions. I am not committed to this as a permanent policy, but it occurs to me that an experiment might well be made in the case, for instance, of the State University or of the Agricultural and Mechanical College. If the experiment proves worth while, it can later be extended to other institutions. By this trial and error method we may be able to take a real step forward in Government.

In making such an aggregate appropriation I would recommend that the Legislature determine the maximum amount of tax money to be received by these educational institutions, and that they lay down broad lines of policy to govern the Board of Regents of the University of Texas and the Board of Directors of the Agricultural and Mechanical College in their allocation and expenditure of the sums so appropriated. It is my belief that the Legislature should determine the maximum salaries to be paid in either of these educational institutions, but that the itemization of appropriation should be left to the governing Board of each institution.

In recommending a lump sum appropriation for the University of Texas and the Agricultural and Mechanical College, I call attention to the fact that minutely itemized educational appropriations are made only in Texas, Arkansas and Maryland. Even during a period of depression when all governments and all people have become conscious of the necessity for economical expenditure of public funds, progressive states continue to abandon the policy of itemized appropriations and adopt in its stead the policy of appropriating money to institutions in aggregate sums.

In keeping with sound business practices and in order that this Legislature may be advised as to the faithfulness of the institutions' governing boards in the keeping of their trust, I further recommend that this Legislature require of these two educational institutions, and of all institutions of higher education in Texas, a careful detailed post-audit reflecting how every dollar of tax money was expended and the disposition that was made of all other funds received by such organizations from whatever sources, whether State, Federal, local or private.

I trust that the Legislature will continue the policy inaugurated in the current appropriation bill requiring all audits by public educational institutions in this State to be made according to the method prescribed by the National Committee on standard reports for institutions of higher education.

I make this recommendation for aggregate appropriations in the belief that the mature and deliberate consideration of a board of honorable men governing a great educational institution is more capable of securing an economical expenditure of the State's money than the submission of itemized appropriations necessarily considered in haste by every branch of government through which the measure may pass.

I make the recommendation of a standard post-audit in order that the Legislature, as the cautioning representatives of a sovereign people, may know how every dollar of the income of its State institutions is spent; and may call to account any group of men, or governing board, unfaithful to the mandate of the Legislature or to the trust reposed in them to economically conduct the affairs of the State Government.

Should our experience in making aggregate appropriations in these two institutions prove inexpedient, it will afford cause, of course, for the next Legislature to dispense with the system; but, in the event it should prove to be sound business, reflecting economy and efficiency upon the conduct of the institutions of higher education, then it could easily be extended to other institutions and other departments of State Government.

Believing that experience is the soundest method of intelligent investigation, I recommend an aggregate appropriation for the University of Texas and the Agricultural and Mechanical College as an experiment in our ever cumulative attempt to secure governmental economy.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

Message from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 4, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bill and
resolutions:

H. B. No. 76, A bill to be entitled
"An Act to amend Sections 1, 2, 3, 5,
9, and 12 of Senate Bill No. 3, Chap-
ter 16, page No. 42, of the General
and Special Laws of Texas, passed at
the Second Called Session of the
Forty-third Legislature of the State
of Texas, 1934, so as to extend the
effective date of said Chapter 16 to
August 1, 1936, and declaring an
emergency."

H. C. R. No. 1, Memorializing Con-
gress to support a plan for immedi-
ate cash payment of ex-service men's
adjusted certificates.

H. C. R. No. 8, Granting permis-
sion to J. W. Maney and J. R. Alley
to sue the State for damages.

H. C. R. No. 11, Granting permis-
sion to Mrs. Rhoda Sweatt and Miss
Mae Vance to sue the State for dam-
ages.

The House has concurred in Sen-
ate amendments to H. C. R. No. 26
by a viva voce vote.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Resolution Signed.

The Chair, President Pro Tem.
K. M. Regan, gave notice of signing,
and did sign, in the presence of the
Senate, after its caption had been
read, the following resolution:

H. C. R. No. 26.

Bills and Resolutions Referred.

H. B. No. 76, referred to the Com-
mittee on Civil Jurisprudence.

H. C. R. No. 1, referred to the
Committee on Federal Relations.

H. C. R. No. 8, referred to the
Committee on State Affairs.

H. C. R. No. 11, referred to the
Committee on State Affairs.

Adjournment.

On motion of Senator Rawlings,
the Senate, at 11:03 o'clock a. m.,
adjourned until 10 o'clock a. m.
Tuesday.

APPENDIX.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 1, 1935.
Hon. K. M. Regan, President Pro
Tem. of the Senate.

Sir: We, your Committee on Edu-
cational Affairs, to whom was re-
ferred

S. B. No. 86, A bill to be entitled
"An Act providing for the taking of
the school census of Texas upon pre-
scribed form by census trustees for
the year 1935-36 and providing that
said census shall be added to and
deducted from by the names of chil-
dren who have moved in and are
born into the different communities
of Texas and deducting therefrom
names of children who have moved
out or who have died in said com-
munities in Texas; annually provid-
ing for the taking of school census
in county line districts and a divi-
sion of funds, etc."

Have had the same under con-
sideration and I am instructed to
report it back to the Senate with the
recommendation that it do pass.

DUGGAN, Chairman.

Minutes of Committee Meetings.

Minutes of Committee on Public
Health Held January 31, 1935—
Regular Meeting.

Present: Beck, Sanderford, Horns-
by, Davis, Hughston, Small, Hol-
brook, Oneal, and Rawlings.

Absent: Redditt and Woodruff
(excused).

H. C. R. No. 9 was reported ad-
versely by the following vote:

Yeas: Beck, Sanderford, Hornsby,
Davis, Hughston, Small, Holbrook,
Oneal and Rawlings.

Nays: None.

Absent: Redditt and Woodruff
(excused).

BECK, Chairman.

Minutes of Committee on Financial
Affairs, February 1, 1935—
Special Meeting.

Present: Redditt, Beck, Burns,
Duggan, Hill, Holbrook, Hopkins,
Hornsby, Hughston, Martin, Neal,
Oneal, Poage, Rawlings, Regan, San-
derford, Small, Stone, Sulak, Wood-
ruff, Van Zandt.

S. B. No. 90 was reported favorably with an amendment.

NOEL K. BROWN,
Secretary.

Minutes of Committee on Educational Affairs, Held February 1, 1935—
Regular Meeting.

Present: Senators Duggan, DeBerry, Hopkins, Hornsby, Neal, Pace, Poage, and Regan.

Absent: Senators Burns, Cotten, Small, Woodruff.

S. B. No. 86 was reported favorably by a viva voce vote.

JUANITA WILES,
Secretary.

Minutes of Committee on Financial Affairs, February 4, 1935—
Regular Meeting.

Present: Redditt, Beck, Burns, Duggan, Hill, Holbrook, Hopkins, Hornsby, Hughston, Martin, Neal, Oneal, Poage, Rawlings, Sanderford, Stone, Van Zandt.

Absent, excused: Regan, Small, Sulak, Woodruff.

NOEL K. BROWN,
Secretary.

TWENTIETH DAY.

Senate Chamber,
Austin, Texas,
February 5, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Moore.
Blackert.	Neal.
Burns.	Oncal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Sanderford.
Fellbaum.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Westerfeld.
Hughston.	Woodruff.
Martin.	

Absent—Excused.

Regan. Van Zandt.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Burns.

Committee Reports.

(See Appendix.)

Senators Excused.

Senator Regan was excused for the day on account of important business on motion of Senator Fellbaum. Senator Van Zandt was excused on account of important business on motion of Senator Cotten.

At Ease.

The Senate, at 10:08, stood at ease subject to the call of the Chair.

Called to Order.

The Chair called the Senate to order at 10:20 o'clock a. m.

Presentation.

Senator Davis asked recognition for Rev. W. H. Doss, Chaplain of the Senate.

Recognition was granted and Rev. Doss in a brief speech presented a gift to Senator and Mrs. Woodruff on behalf of the officers of the Senate.

The Chair appointed Senators Davis, Stone and Collie to escort Senator and Mrs. Woodruff to the platform.

The Lieutenant Governor, Walter F. Woodul, presented Senator Woodruff who in turn presented Mrs. Woodruff.

Senator and Mrs. Woodruff expressed their appreciation in brief speeches.

Bills and Resolutions.

Senate Bill No. 236.

By Senator Pace:

S. B. No. 236, A bill to be entitled "An Act amending Article 6049c, Sections 10 and 11 of the Revised Civil Statutes of 1925, as amended by the Acts of 1931, Forty-second Legislature, First Called Session, page 46, Chapter 26, relating to injunctions and/or restraining orders to be issued against the Railroad Commission of Texas; repealing all laws or parts of laws in conflict; and declaring an emergency."